

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

Claims 1-6, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawasumi et al.* (JP 7-263,752) in view of *Fan et al.* (U.S. Patent No. 5,300,788), *Chen et al.* (U.S. Patent No. 6,163,038) and *McIntosh et al.* (U.S. Patent No. 5,684,309).

Claims 7, 8 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawasumi et al.* in view of *Fan et al.*, *Chen et al.*, and *McIntosh et al.*, and further in view of *Kotaki et al.* (U.S. Patent No. 5,281,830) and *Scifres et al.* (U.S. Patent No. 4,280,108).

Summary of the Response to the Office Action

Applicants propose to amend claims 1, 11 and 13 by this amendment. Accordingly, claims 1-8 and 11-20 are currently pending, with claims 1-8 and 11-15 currently under consideration.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-6, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawasumi et al.* in view of *Fan et al.*, *Chen et al.*, and *McIntosh et al.* Claims 7, 8 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawasumi et al.* in view of *Fan et al.*, *Chen et al.*, *McIntosh et al.*, *Kotaki et al.*, and *Scifres et al.* To the extent that these rejections may be applied to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that the applied references, whether taken separately or in combination, fail to teach or suggest the claimed combinations as set forth in independent claims

1, 11 and 13, as newly-amended, of a white light LED having two light emitting layers “wherein the light emitted from the first light emission device is mixed with the light emitted from the second light emission device by matching lattices of the two semiconductors to generate white and a variety of visible lights.”

According to an embodiment of the present invention as claimed, a white LED includes lattices of only two different light emitting devices matched where lights emitted from the two light emitting devices are mixed to generate white and a variety of visible lights.

Applicants respectfully submit that in contrast to the claimed combinations as a whole, the arrangement as taught by *Kawasumi et al.* includes at least three emitting layers, with R, G, and B light emitting layers formed on the semiconductor element respectively. Specifically, the arrangement of *Kawasumi et al.* generates white light by using a plurality of R, G and B light emitting elements with different wavelengths. In other words, *Kawasumi et al.* needs at least three semiconductor light emitting elements and three driving elements to generate white light, thereby complicating fabrication processes and driving circuits.

In addition, Applicants respectfully submit that other cited references are only concerned with using R, G and B light emitting elements. Thus, Applicants respectfully submit that the applied references, whether taken separately or in combination, fail to teach or suggest the claimed combinations as set forth in independent claims 1, 11 and 13, as newly-amended, of a white light LED having two light emitting layers “wherein the light emitted from the first light emission device is mixed with the light emitted from the second light emission device by matching lattices of the two semiconductors to generate white and a variety of visible lights.”

Since the applied references, whether taken separately or in combination, fail to teach or suggest each and every element set forth in independent claims 1, 11, and 13, as newly-amended,


it is respectfully submitted that the applied references do not render claims 1, 11 and 13 unpatentable. Further, since claims 2-8, 12, 14 and 15 depend from claims 1, 11 and 13, it is respectfully submitted that the applied references also do not render claims 2-8, 12, 14 and 15 unpatentable. Accordingly, withdrawal of the rejections of claims 1-8 and 11-15 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request the entry of this Amendment to place the application in clear condition for allowance or, in alternative, in better form for appeal. Applicants also respectfully request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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